

REMARKS

The non-final Office Action of May 18, 2010, (“the Office Action”) has been carefully reviewed and the remarks that follow are responsive thereto. Claims 1, 11, and 21-27 have been amended. No claims have been added or canceled. Claims 8-10, 18-20, and 28-30 were previously canceled. No new matter has been introduced. Claims 1-7, 11-17, and 21-27 thus remain pending. Reconsideration and allowance of the instant application are respectfully requested.

Allowable Subject Matter

At the outset, Applicant thanks Examiner Caschera for the indication of allowable subject matter with respect to claims 2-7 and 12-17. For at least the reasons discussed below, Applicant respectfully submits that claims 1, 11, and 21-27 are also allowable.

Interview Summary

Applicant thanks Examiner Caschera for the courtesies extended to Applicant’s representative during the personal interview of August 12, 2010. The following remarks include Applicant’s statement of the substance of the interview pursuant to MPEP § 713.04.

During the interview, Applicant’s representative discussed features recited in amended independent claims 1, 11, and 21 as they relate to “modifying a non-textual attribute associated with the object by an incremental amount for each of at least two times that the object is selected ... wherein each modification results in a different appearance of the object, the different appearance being different from other modified appearances of the object.” Examiner Caschera agreed that these features are not disclosed by U.S. Patent No. 5,793,438 to Bedard (“Bedard”) and that this amendment would overcome the current rejection under 35 U.S.C. § 102(b).

In addition, Applicant’s representative discussed the rejection under 35 U.S.C. § 101. Examiner Caschera agreed that the amendments made herein to claims 21-27 would overcome the current rejection under 35 U.S.C. § 101.

Claim Rejections Under 35 U.S.C. § 101

Claims 21-27 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Without acquiescing to the rejection, and in order to expedite prosecution, Applicant has amended claims 21-27 to be in more preferred form. In view of the discussion between Examiner Caschera and Applicant's representative at the interview described above, Applicant respectfully submits that, as amended, claims 21-27 are directed to statutory subject matter and respectfully requests that the rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 11, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bedard. For the reasons set forth below, Applicant respectfully traverses these rejections.

Amended independent claim 1 recites a computer-implemented method comprising, *inter alia*:

modifying a non-textual attribute associated with the object by an incremental amount for each of at least two times that the object is selected, wherein the non-textual attribute after each modification visually indicates a number of times the object has been selected, wherein each modification of the attribute includes changing a visible characteristic of the object and wherein each modification results in a different appearance of the object, the different appearance being different from other modified appearances of the object.

(Emphasis added.) As discussed with the Examiner, nowhere does Bedard disclose such features.

The Office Action asserts that Bedard discloses, at 5:8-22 and FIG. 5:

modifying a non-textual attribute associated with the object by an incremental amount for each of at least two times that the object is selected, wherein the non-textual attribute after each modification visually indicates a number of times the object has been selected, wherein each modification of the attribute includes changing a visible characteristic of the object and wherein each modification results in a different appearance of the object.

Office Action at 3. In pertinent part, however, Bedard states:

Overlaid over table 502 is a magnified table 510 listing more detailed information relating to the programs broadcast in a particular half hour time slot. Magnified table 510 is aligned with table 502 but is wider than a single column of table 502. Each entry of magnified table 510 includes the title of the programming displayed at that time. By operating horizontal cursor arrow keys 317B, the viewer may shift magnified table 510 along table 502 to display the titles of

programming broadcast at other time slots. Further shifting of magnified table 510 beyond the displayed time slots will cause the range of displayed time slots to change. Magnified table 510 can be understood as a magnifying lens which may be shifted over table 502. In one embodiment, the titles of individual channels appear at the edge of magnified table 510 rather than at the edge of table 502.

Bedard at 5:8-22 (emphasis added).

Thus, as a user shifts Bedard's magnified table 510 along table 502, a column of table 502 is either magnified or not magnified. If a user of Bedard's system were to select a first column of table 502, then select a second column of table 502, and then re-select the first column of table 502, the first column would have the same appearance the second time it was selected as it did the first time it was selected (i.e., the first column would be magnified). In contrast, amended independent claim 1 recites "modifying a non-textual attribute associated with the object by an incremental amount for each of at least two times that the object is selected ... wherein each modification results in a different appearance of the object, the different appearance being different from other modified appearances of the object." (Emphasis added.) Thus, Bedard fails to disclose all of the features recited in amended independent claim 1.

For at least these reasons, amended independent claim 1 is allowable. In addition, amended independent claims 11 and 21 recite similar features as amended independent claim 1, and thus, amended independent claims 11 and 21 are allowable for substantially the same reasons as amended independent claim 1.

[SIGNATURE PAGE FOLLOWS]

CONCLUSION

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or if there are any questions, the Examiner is invited to contact the undersigned at (202) 824-3161.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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By: /Rajit Kapur/

Rajit Kapur
Registration No. 65,766

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051

Tel: 202.824.3000
Fax: 202.824.3001